

LABOR SERVICES DIVISION[875]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 88.5, 88A.3, and 91A.9, the Labor Commissioner hereby gives Notice of Intended Action to amend Chapter 10, “General Industry Safety and Health Rules,” Chapter 35, “Wage Collection Payment,” and Chapter 61, “Administration of Iowa Code Chapter 88A,” Iowa Administrative Code.

The first proposed amendment adopts by reference changes to federal occupational safety and health standards pertaining to personal protective equipment in general industry workplaces. The federal changes are part of a broader effort by the federal Occupational Safety and Health Administration to update or remove references to consensus and industry standards. The changes update and delete references to various national consensus standards.

The second proposed amendment changes the title of 875—Chapter 35.

The third proposed amendment clarifies that the fees for reinspections of amusement rides are equal to the fees for annual inspections of amusement rides.

The principal reasons for adoption of these amendments are to implement legislative intent and to make Iowa’s regulations current and consistent with federal regulations. Pursuant to Iowa Code subsection 88.5(1)“a” and 29 CFR 1953.5, Iowa must adopt changes to the federal occupational safety and health standards.

Written data, views, or arguments to be considered in adoption shall be submitted no later than November 17, 2009, to the Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa 50319-0209. Comments may be sent electronically to kathleen.uehling@iwd.iowa.gov.

A public hearing will be held on November 17, 2009, at 2 p.m. in the Stanley Room at Iowa Workforce Development, 1000 East Grand Avenue, Des Moines, Iowa. The public will be given the opportunity to make oral statements and submit documents. The facility for the oral presentations is accessible to and functional for persons with physical disabilities. Persons who have special requirements should telephone (515)242-5869 in advance to arrange access or other needed services.

No variance provisions are included in these rules. Variances procedures are set forth in 875—Chapters 1 and 5.

These amendments are intended to implement Iowa Code sections 88.5, 88A.3, and 91A.9.

The following amendments are proposed.

ITEM 1. Amend rule **875—10.20(88)** by inserting the following at the end thereof:
74 Fed. Reg. 46355 (September 9, 2009)

ITEM 2. Amend **875—Chapter 35**, title, as follows:

WAGE COLLECTION PAYMENT COLLECTION

ITEM 3. Amend paragraph **61.1(2)“c”** as follows:

c. “*Reinspection fee*” is a equal to the fee established by the Act for a reinspection an annual inspection.